

STATEMENT OF FACTS

Your affiant is a Special Agent with the Federal Bureau of Investigation (FBI) and has been so employed since January 2016. I am assisting in the investigation and prosecution of events that occurred at the United States Capitol on January 6, 2021. As a Special Agent with the FBI, I am authorized by law or by a Government agency to engage in or supervise the investigation of violations of Federal criminal laws. The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On January 6, 2021, multiple photographs and videos were posted to a Facebook account in the name “Jake Hiles” (hereinafter “the Facebook account”) showing an individual identified as JACOB G. HILES participating in unlawfully entering the U.S. Capitol on January 6, 2021. As discussed further below, these videos and pictures include “selfie” style footage from areas your affiant recognizes as both inside and outside the U.S. Capitol, sometimes including geo-tags identifying the location of the post as “Capitol Hill” or “United States Capitol” and accompanied by captions written in the first person. Visible in the photographs and videos is a bearded individual wearing a dark in color sweatshirt bearing the words “FUCK ANTIFA,” a tan in color neck gaiter, baseball cap, and tan in color goggles. The FBI interviewed W-1, who has known HILES for over five years and periodically interacts with HILES in-person. On January 6, 2021, multiple Facebook friends of W-1 shared videos and photographs from HILES’ Facebook page on W-1’s Facebook page. W-1 positively identified HILES as the individual depicted in the two “selfie” style videos posted to HILES’ account on January 6, 2021, further described below (Figure 3 and Figure 5).

Your affiant has reviewed numerous pictures and videos posted to the Facebook account, as well as another social media account. The videos and pictures I observed show the following:

- On January 6, 2021, a picture of an individual was posted to the Facebook account accompanied by timestamp 5:46 AM and the caption, “Feelin cute...might start a revolution later, IDK – in Capitol Hill” (see Figure 1 below). Your affiant knows “IDK” to stand for “I don’t know.”
- On January 6, 2021, a post to the Facebook account accompanied by timestamp 1:31 PM stated, “After being tear gassed for an hour, we entered the capitol, thousands of us. The fbi shot and killed a woman in front of us. We followed the trail of her blood out of the building” (see Figure 2 below).
- In a post timestamped 4:36 PM on January 6, 2021, a video was posted to the Facebook account appearing to show HILES outside a building your affiant recognizes as the U.S. Capitol. In the video, HILES explains his frustration to the camera and to others near him with respect to his assertion that the media was ignoring the fact that the FBI purportedly shot and killed a woman inside the building (see Figure 3 below).
- In the evening hours of January 6, 2021, a post to the Facebook account stated, “I’m not a smoker AT ALL, but when the cop asks you if you are gonna hit that, I ain’t gonna let it g...” Attached to this post was a “selfie” style video of HILES inside the U.S. Capitol building with a group of people. In the video, HILES appears to smoke an unidentified substance (see Figures 4 and 5 below).
- In the evening hours of January 6, 2021, a photograph was posted to the Facebook account appearing to show HILES inside the U.S. Capitol Building (see Figure 6 below).

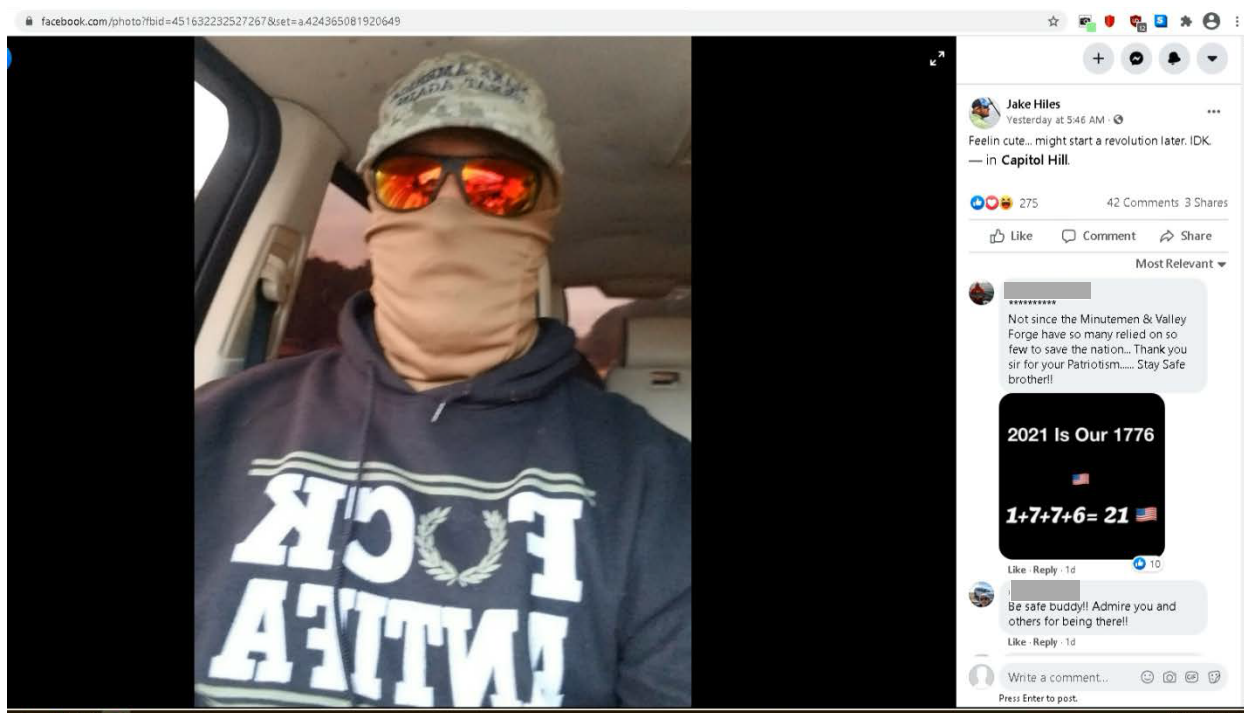


Figure 1

The photograph and commentary pictured in Figure 1 was posted to the Facebook account on January 6, 2021.

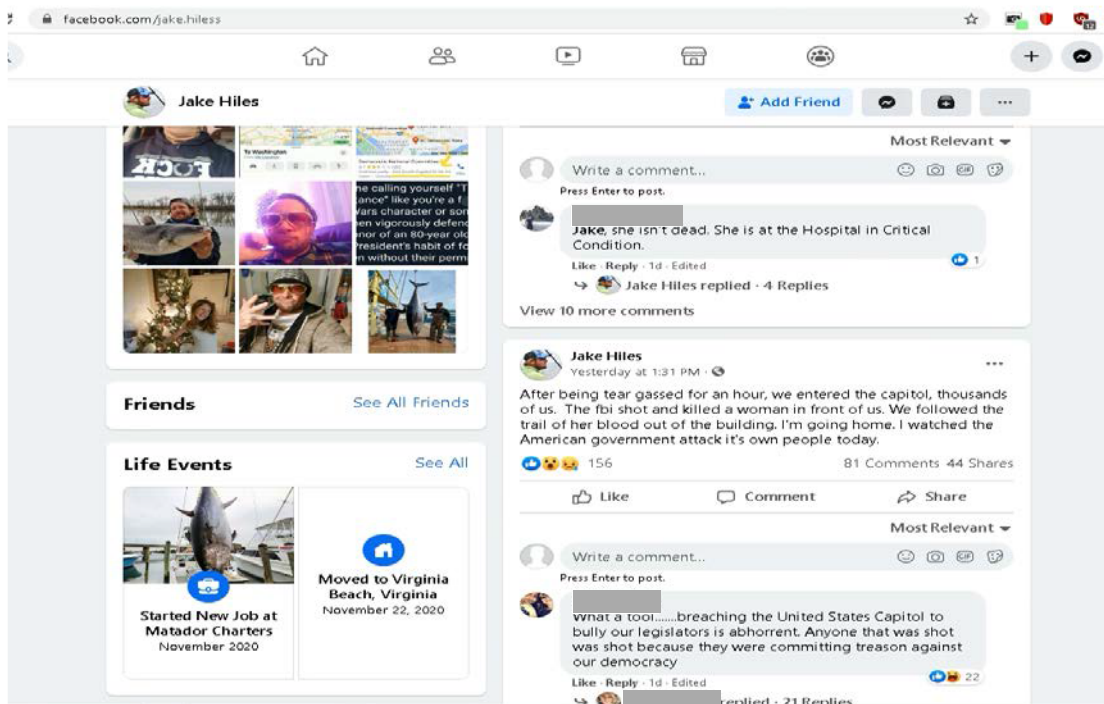


Figure 2

According to a post to the Facebook account, on January 6, 2021, HILES was tear gassed for an hour, then entered the U.S. Capitol Building, then followed a trail of blood as he exited the U.S. Capitol Building.

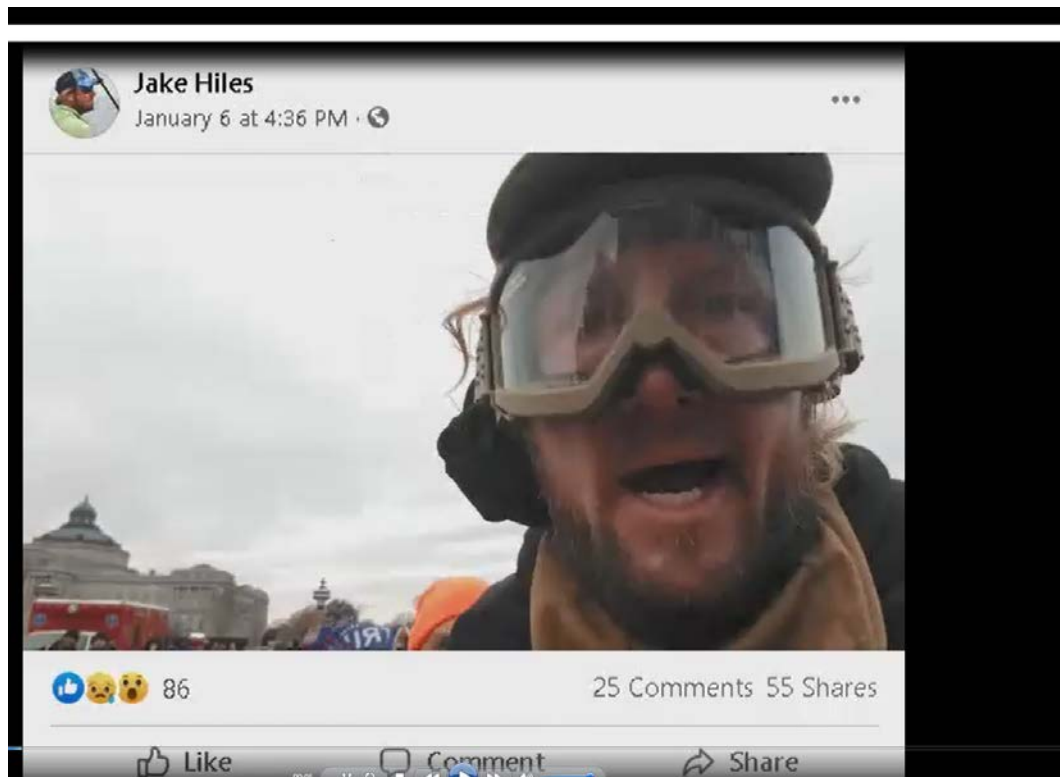


Figure 3

On January 6, 2021, a video of an individual outside the U.S. Capitol Building was posted to the Facebook account of an individual identified by W-1 as HILES wearing goggles in an area your affiant recognizes as surrounding the U.S. Capitol. Figure 3 is a screenshot of the video posted to the Facebook page.

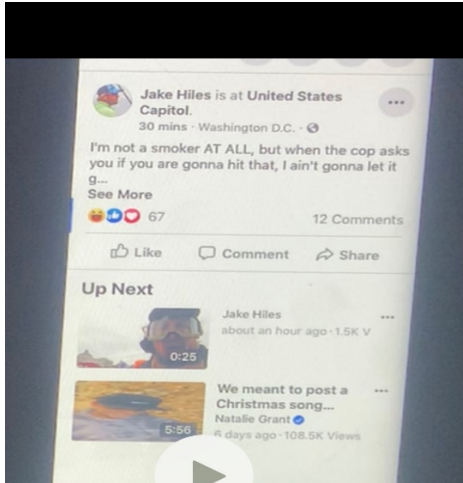


Figure 4

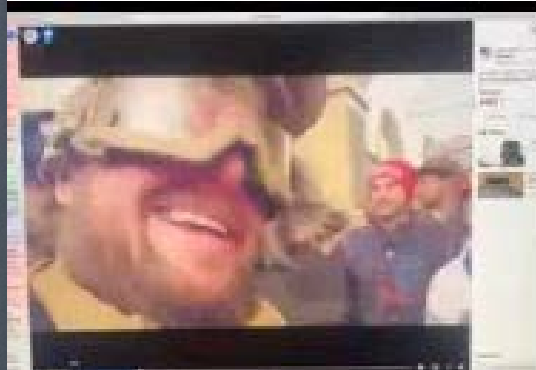


Figure 5

On January 6, 2021, a post was made on the Facebook account stating, “I’m not a smoker AT ALL, but when the cop asks you if you are gonna hit that, I ain’t gonna let it g...” Figure 4 is a screenshot of the post. Accompanying the post in which is referenced taking a “hit” is a video of an individual inside the U.S. Capitol building with a group of people. In the video, an individual identified by W-1 as HILES can be seen smoking an unidentified substance. Figure 5 is a snapshot of the video posted to the Facebook account.



Figure 6

On January 6, 2021, a “selfie” style photograph was posted to the Facebook account of an individual wearing the same goggles and gaiter as pictures previously identified as HILES in an area your affiant recognizes as inside the U.S. Capitol Building. Based on numerous photographs and videos your affiant has reviewed, it is your affiant’s belief that the individual pictured in Figure 6 is HILES.


Your affiant has confirmed the identification of HILES as the person in the images and videos described above and posted on January 6, 2021. First, as noted above, W-1, who personally knows HILES, positively identified him in two of the videos from the Facebook account. The images and videos display unique attire and, in some instances, a clear view of the individual’s face. Your affiant has also reviewed HILES’ Virginia driver’s license photograph and profile picture for the Facebook account in the name of “Jake Hiles” and they appear to be the same individual in the pictures at the U.S. Capitol on January 6, 2021. Your affiant also viewed multiple open source videos on the website www.youtube.com, in which an individual identifies himself as “Jake Hiles.” In one of the videos, the individual who identified himself as “Jake Hiles” appears to be wearing the same hat as pictured in Figure 1 above. The person in those videos appears to be the same individual in the pictures at the U.S. Capitol on January 6, 2021.

Following January 6, 2021, a post to HILES’ Facebook account included lengthy first-person commentary on what was seen and experienced at the U.S. Capitol on January 6, 2021. The post included the statement, “While under the rotunda, I never saw anyone touch or vandalize

anything and I distinctly heard several people saying ‘look but don’t touch.’” You affiant believes the “rotunda” referenced in HILES’ post is the rotunda located inside the U.S. Capitol Building. HILES also included in his Facebook post “I was walking past offices, and one office clearly above the door said “Office of Majority Leader Steny Hoyer.”” The post also indicated that the writer was in the front row of individuals outside the Capitol, “the crowd pushed [him] to the top of the steps” and once he had entered the Capitol, he just wanted to leave.



Based on the foregoing, your affiant submits that there is probable cause to believe that JACOB G. HILES violated 18 U.S.C. §§ 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that HILES violated 40 U.S.C. § 5104(e)(2)(G), which makes it a crime to willfully and knowingly parade, demonstrate, or picket in any of the Capitol Buildings.



Brandon C. Merriman
Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone, this 15th day of January 2021.



Zia M. Faruqui
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Zia M. Faruqui
U.S. MAGISTRATE JUDGE